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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,627	12/06/2001	Wilhelmus Everhardus Hennink	313632000501	1202
25225	7590	05/12/2005		EXAMINER
MORRISON & FOERSTER LLP				WEBMAN, EDWARD J
3811 VALLEY CENTRE DRIVE				
SUITE 500			ART UNIT	PAPER NUMBER
SAN DIEGO, CA 92130-2332				1616

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/020,627	HENNINK ET AL.
	Examiner	Art Unit
	Edward J. Webman	1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 03 January 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 9,11,13,14,16,17,19-21,23,24,27-29,31-34 and 36-39 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 3-34 and 36-39 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. 5/8/05
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

Claims 9, 11-14, 16, 17, 19-21, 23, 24, 27-29, 31-34, 36-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 9, 21 it is unclear where the location of the acrylate, methacrylate and/or hydroxyalkyl methacrylate groups are located on the polymer of (poly)glycolic acid and or (poly)lactic acid. Are the groups pendant from the polymers? Do they bridge the polymer? Do they terminate the polymers? It is further unclear as to how the carbonate ester bond is formed between the spacer and the polymer backbone. In claim 11, the derivation of the carbonate ester bond from carbonyl di-imidazole is also unclear. For example, Strain et al teach the formation of such a bond using a chloroformate (chlorocarbonate). However, applicants do not disclose such a compound. The examiner requests that reaction mechanisms be provided. In claims 13 and 14 "derived from a water-soluble polymer" is indefinite. The nature of the polymer backbone obtained is unclear. For example, does it remain soluble? Claim 29 does not appear to further limit claim 24, which is directed to a cross-linked hydrogel.

No claims allowed. However, all of the claims are free of prior art.

Any inquiry concerning this communication should be directed to Edward J. Webman at telephone number 571-272-0633.



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